

THE FIRST PREMISE

The first premise of many defenses of the impermissibility of abortion is that the fetus is a *person* from the moment of conception. Why is this relevant?

1. A fetus is a person from the moment of conception;
2. A person has a right to life;
3. Hence, a fetus has a right to life from the moment of conception.

How do we warrant premise 1? Here's a suggestion:

The development of a fetus into a baby is a gradual process. Any stipulation of a cut-off point between the fetus being a person and the fetus not being a person is arbitrary. Hence, we need to consider a fetus a person from the moment of conception.

As Judith Jarvis Thompson (JJT) points out, however, a simple analogy will show why this is not a good argument:

The development of an acorn into an oak is a gradual process. Any stipulation of a cut-off point between the acorn being an oak and an acorn not being an oak is arbitrary. Hence, we need to consider any acorn an oak.

However, the question JJT sets out to answer is not whether premise 1 is warranted, but whether it would *follow* from premise 1 that abortion is always morally impermissible.

THE FULL ARGUMENT

So, let's assume that premise 1 is true, for the sake of the argument, which runs as follows:

1. A fetus is a person from the moment of conception;
2. A person has a right to life;
3. Hence, a fetus has a right to life from the moment of conception.
4. The woman has a right to her body;
5. However, person's right to life trumps this right to the body;
6. Hence, abortion is always morally impermissible.

JJT is going to want to reject premise 5, i.e., she's going to want to claim that the fetus' right to life does *not* trump the woman's right to her body. Her main argument takes the form of a thought experiment.

THE UNCONSCIOUS VIOLINIST

Imagine that you wake up one morning and find that you've been kidnapped by the Society of Music Lovers. As if that wasn't bad enough, imagine that they've also hooked you up to an unconscious violinist who suffers from complete liver failure, and is reliant upon your liver to survive. He will need your liver for nine months. If you unplug him before then, he will die. Here's the question:

Surely it would be nice of you to let the violinist use your liver for nine months, but is it *morally incumbent* on you to not unplug him?

JJT wants to argue that it is *not*, and her reasons as to why spell out her defense of abortion.

THE EXTREME VIEW

One aspect that might be relevant is that you've been *kidnapped* by the Society. In this respect, the case seems most closely analogous to abortion in the case of rape. JJT refers to the view that abortion is impermissible even in the case of rape as *the extreme view*. She notes that there is a certain conceptual integrity to the view; after all, if you have a right to life, how can that right be contingent upon how you came about?

Part of the extreme view is also the view that abortion is impermissible even if the pregnancy poses a direct threat to the woman's life. JJT considers this absurd:

Violinist case: "If anything in the world is true, it is that you do not commit murder, you do not do what is impermissible, if you reach around to your back and unplug yourself from that violinist *to save your life*."

Abortion case: "[...] it cannot possibly be murder if the mother performs an abortion on herself to save her life. It cannot seriously be said that she *must* refrain, that she *must* sit passively by and wait for her death."

This throws some serious doubt—if not refutes—the extreme view.

THE "NO THREAT TO LIFE" VIEW

A more reasonable position would be that abortion is always morally impermissible, as long as there is no threat to the mother. JJT wants to resist this view as well. Here is how she reasons:

Granted, the fetus has a right to life. However, having a right to life does not imply having a right to be given the use of another person's body—even if one needs it for life itself—unless such a right has been granted.

However, as JJT herself notes, details matter. Consider some cases:

Case 1 – Rape:

A woman becomes pregnant as a result of rape.

Case 2 – Safe intercourse:

A woman becomes pregnant as a result of a broken condom.

Case 3 – Unsafe intercourse:

A woman becomes pregnant as a result of failing to use any form of contraception.

Case 1 seems to be a clear case where the woman has given no right whatsoever to the fetus to use her body, implicitly or explicitly. Case 2 and 3 seem trickier; does the failure to be more careful provide an implicit right of the fetus to the woman's body? The only thing we seem to be able to say for sure is that there seems to be at least *some* cases in which abortions amount to unjust killings.

UNJUST KILLINGS AND MERE INDECENCIES

At the same time, JJT also wants to argue that there might be instances of abortion that amount to mere indecencies, short of unjust killings. Consider the following scenarios:

Failing to share

Two brothers, Andrew and Bob, are given a box of chocolate by their mother. Andrew takes the box and refuses to share with Bob. This is unjust.

Not going above and beyond

Andrew is given a box of chocolate from his uncle. He devours them in front of his brother, who really likes chocolate. This is indecent, but not unjust.

JJT suggests that we can imagine similar distinctions in relation to abortions:

Perfectly permissible: Aborting because of threat to life.

Indecent: Aborting because you failed to use contraception.

Unjust: Aborting because you don't want to postpone a vacation.